

AMENDMENT

Serial Number: 10/760,965

Filing Date: January 20, 2004

Title: System and Method for Joint Resurface Repair

Page 4

Docket:STD00.01CIP2CON

REMARKS

The Official Action mailed August 29, 2007 has been carefully considered. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Claim Amendments

Claims 69 and 71 have been amended and claims 72 and 73 have been added depending from independent claim 69.

Claim Rejections

Claims 65, 66 and 68 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,171,340 to McDowell (hereinafter "McDowell"). Applicant respectfully requests reconsideration in view of the following remarks.

Independent claim 65 is reproduced below for the Examiner's convenience.

65. An implant comprising:
a bone-facing distal surface;
a proximal surface; and
an outer perimeter generally disposed about said distal and said proximal surfaces comprising at least two surfaces each having a concentric arcuate shape with a common center and a first and at least a second generally opposing side surfaces extending generally along a length of said implant between said at least two arcuate shaped surfaces, wherein said outer perimeter has a truncated circular shape.

As may be appreciated, independent claim 65 recites an implant comprising, *inter alia*, "an outer perimeter generally disposed about said distal and said proximal surfaces comprising at least two surfaces each having a concentric arcuate shape with a common center." An implant consistent with independent claim 65 is shown, for example, in at least one of FIGS. 65-67 of the present application. Applicant respectfully submits that McDowell is not understood to disclose or suggest an implant having these limitations.

Applicant understands that the Examiner has pointed to receiving groove 36 disposed on the end regions of the shield 32 as reading on the claimed “at least two surfaces each having a concentric arcuate shape” as generally recited in independent claim 65. As shown in FIGS. 4, 5 and 7, however, Applicant does not understand the receiving groove 36 of the two end regions to share a common center as generally recited in independent claim 65. Instead, the receiving groove 36 of the two end regions are understood to have two different centers. Accordingly, Applicant respectfully submits that McDowell is not understood to disclose or suggest all of the limitations disclosed in independent claim 65 and respectfully submits that the rejection of independent claim 65 may now be withdrawn upon reconsideration.

Claims 66 and 68 depend from independent claim 65. Therefore, Applicant respectfully submits that claims 66 and 68 are also allowable by virtue of their dependency from independent claim 65 in addition to their own patentable limitations.

Claims 69-71 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,235,060 to Kubein-Meesenburg et al. (hereinafter “Kubein”). Applicant respectfully requests reconsideration in view of the above amendments and following remarks.

Independent claim 69 has been amended to clarify the relationships between the working axis and the first and second points measured on the articular surface. In particular, the method of mapping a surface contour of an articular surface comprises, *inter alia*, measuring a first distance between at least a first point of the articular surface and a first plane substantially normal to the working axis at a distance substantially equal to the first diameter of the first probe from the working axis. In addition, the method of mapping include measuring a second distance between at least a second point of the articular surface and a second plane substantially normal to the working axis at a distance substantially equal to the second diameter of the second probe from the working axis. Independent claim 69, as amended, is reproduced below for the Examiner’s convenience.

69. A method of mapping a surface contour of an articular surface comprising:
establishing a working axis extending from said articular surface;
providing a first probe having a first diameter;

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Page 6

Docket:STD00.01CIP2CON

measuring a first distance between at least a first point of said articular surface and a first plane substantially normal to said working axis at a distance substantially equal to said first diameter of said first probe from said working axis;
providing a second probe having a second diameter; and
measuring a second distance between at least a second point of said articular surface and a second plane substantially normal to said working axis at a distance substantially equal to said second diameter of said second probe from said working axis.

Upon review of Kubein, Kubein is not understood to disclose or suggest these limitations. Accordingly, Applicant respectfully submits that the rejection of independent claim 69 may now be withdrawn upon reconsideration of the remarks made herein.

Claims 70 and 71 depend from independent claim 69. Therefore, Applicant respectfully submits that claims 70 and 71 are also allowable by virtue of their dependency from independent claim 69 in addition to their own patentable limitations.

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

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